

STATE OF MICHIGAN
COURT OF APPEALS

MONA SALAMEY LEMM,

Plaintiff-Appellee,

v

HUSSEIN SALAMEY,

Defendant-Appellant.

UNPUBLISHED

August 9, 2005

No. 256675

Wayne Circuit Court

LC No. 03-304227-DC

Before: Wilder, P.J., and Sawyer and White, JJ.

PER CURIAM.

Defendant appeals from an order of the circuit court granting plaintiff custody of their minor daughter. We affirm.

The parties were married in 1987 in Beirut, Lebanon. They thereafter moved to Dearborn, Michigan, and eventually became United States citizens. Two children, Donna and Ramsey, were born of the marriage while they resided in the United States. The parties, along with their children, moved back to Lebanon in 1996. While residing in Lebanon, the parties were divorced. The Lebanese divorce decree granted defendant custody of both children. Plaintiff eventually returned to the United States. In July 2002, plaintiff had a one-month visit with Donna in Germany. Instead of Donna returning to Lebanon at the conclusion of the visit, she returned to the United States with her mother.

Thereafter, plaintiff filed the instant action seeking custody of Donna. Defendant challenged the court's jurisdiction, arguing that the Lebanese court continues to possess jurisdiction over the custody issue. But the trial court concluded that it had jurisdiction and that it was in Donna's best interests to award custody to plaintiff. Defendant appeals, arguing that the trial court erred in concluding that it had jurisdiction. We disagree.

The trial court concluded that the Lebanese custody order was not enforceable in the United States under MCL 722.1105(2). That statute provides that a decree of a foreign country is enforceable in Michigan if it was made under factual circumstances in substantial conformity with Michigan law. We do not necessarily disagree with the trial court's conclusion. But comparing Lebanese law and the factual circumstances of this case as it was litigated in Lebanon with Michigan jurisdictional standards is difficult at best. While we could, and if necessary would, engage in such an analysis, we note that plaintiff supplied a much simpler basis for the court to assume jurisdiction. Therefore, even assuming that the trial court's jurisdictional

analysis was erroneous, at worst it reached the right result for the wrong reason and, therefore, we will affirm. *In re People v Jory*, 443 Mich 403, 425; 505 NW2d 228 (1993).

Plaintiff made the uncontroverted assertion below that defendant filed a 2002 tax return with the federal government claiming his residence to be Dearborn, Michigan. In fact, a copy of that tax return appears in the lower court record, with defendant listing a Dearborn address and claiming status as “Head of Household.” Furthermore, in answers to interrogatories, in answer to the question whether he filed United States tax returns, defendant stated “Yes I file income tax every year in my country United State [sic] of America.” We also note that the Friend of the Court report lists defendant’s address as one in Dearborn.

MCL 722.1203 provides in part as follows:

Except as otherwise provided in section 204, a court of this state shall not modify a child-custody determination made by a court of another state unless a court of this state has jurisdiction to make an initial child-custody determination under section 201(1)(a) or (b) and either of the following applies:

(b) A court of this state or a court of the other state determines that neither the child, nor a parent of the child, nor a person acting as a parent presently resides in the other state.

Plaintiff and Donna were clearly residing in Michigan at the time the custody action was filed. Defendant, by his own admission, also claimed residency in Michigan. When used in a statute conferring jurisdiction, residence is interpreted to mean legal residence or domicile.

Affirmed.

/s/ Kurtis T. Wilder
/s/ David H. Sawyer
/s/ Helene N. White